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U.S. DISTRICT COURT E.D.N.Y.
★ APR 25 2005 ★

P.M. _____
TIME A.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BLUE RIDGE FARMS, INC.,

Plaintiff,

01 CV 8460 (SJ)
ORDER

-against-

CROWN EQUIPMENT CORP. and
CROWN CREDIT CORP.,

Defendants.
-----X

A P P E A R A N C E S:

GLENN BACKER, ESQ.
292 Madison Avenue, 22nd Floor
New York, New York 10017
Attorney for Plaintiff

BAINTON MCCARTHY, LLC
26 Broadway
New York, New York 10004-1840
By: John Gerard McCarthy, J. Joseph Bainton
Attorneys for Defendants

JOHNSON, Senior District Judge:

Presently before this Court are both parties Motions for Reconsideration pursuant
to Federal Rule of Civil Procedure 60(b). Under this Rule:

On motion and upon such terms as are just, the court may relieve a party
or a party's legal representative from a final judgment, order, or
proceeding for the following reasons: (1) mistake, inadvertence, surprise,
or excusable neglect; (2) newly discovered evidence which by due
diligence could not have been discovered in time to move for a new trial
under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or

extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.

Fed. R. Civ. P. 60(b). The Court finds that the parties' arguments do not fall within any basis for reconsideration identified in Federal Rule of Civil Procedure 60(b), but rather constitute arguments already considered by this Court in reaching its original decision. The Motions for Reconsideration are therefore DENIED and the judgment against Plaintiff in the amount of \$346,215.18 is sustained.

SO ORDERED.

Dated: April 18, 2005
Brooklyn, New York

s/SJ

Senior U.S.D.J.